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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/544,718 | 04/06/2000 | Eduardo Cue | P2513/561 | 9145 |

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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,718

Applicant(s)

CUE ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant amended Claims 1, 5-6, 16, 19-21, 25-27, 30, 35-36, 38, 40, 44, and 47. Claims 1-47 are pending in this final office action necessitated by amendment.

Response to Arguments

Applicant's arguments with respect to claims 1, 16, 26 and 36 have been considered but are moot in view of the new ground(s) of rejection. New art was cited to address the amended claims. This examiner is citing Barnes et al., patent number 5,970,475, to address the amended claims. Barnes et al. teaches a system and method that addresses the pertinent problem that many Internet-based commerce systems attempt to do- empower customers through Internet-enabled commerce. Barnes et al. teaches purchasing management of corporations exercising control by determining which suppliers and what products from selected suppliers web catalogs will be accessible through corporate intranets. Barnes et al. further teaches purchasing management establishing purchase groups by assigning employees to groups based on employee profile information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-47 are rejected under 35 USC 103(a) as being unpatentable over Dell Computer (a collection of prior art cited in PTO-892 Item: U; Paper #4, PTO-892 Items: U-X; and Henson, Paper #4, patent number 6,167,383), in view of Barnes et al. (patent number 5,970,475).**

Dell Computer teaches a method for conducting commerce with customers desiring to purchase computers, peripherals, software, and accessories through Dell Computer's web site (please see Item U; pages 2-3). Dell Computer teaches:

- Online specialty stores for customers belonging to a group (e.g. federal government, state & local governments, higher education, healthcare, and businesses) (see at least Item: U, pages 6-19; Henson: abstract; col. 3, lines 35-44),
- A database driven shopping cart and configurator that assists the customer in customizing a computer system for purchase, providing automatic price totaling (see at least Henson: Fig. 1 (18, 20, 24); col. 4, line 35 through col. 5, line 65),

- Customized secure websites for individual customer groups, hereafter referred to as Premier Pages, managed by Dell Computer's web service that allows large companies and public-sector customers to simplify procurement of Dell products and support processes (see at least Item: U, pages 3-5; Item: W, page 1; Henson: abstract; col. 14, lines 18-61);
- Premier Pages providing paperless purchase order processing, purchase history reporting, order status, and help desk support (see at least Item: X, page 1),
- Premier Pages providing customers with access to over 53,000 pages of technical information including self-diagnostic tools and frequently asked questions (see at least Item: V, page 1)
- Premier Pages with flexible page content and layout, clear navigation, customizable links to other Internet sites (see Item: V, page 1),
- Premier Pages with quote details, automatic pre-filling of address fields, and multi-currency features (see at least Item: V, page 1),
- Premier Pages that incorporates ImageWatch which is designed to provided early notification of technology changes to Dell corporate and institutional customers (see at least Item: W, page 1),
- A higher education online mall with links to an institution's special contract pricing based on volume purchase agreements (VPA) (see at least Item: U, pages 18-19; Henson: col. 13, lines 29-37),

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- Customizing systems using the Dell Online Store shopping cart and check-out process, featuring automatic price update calculations and payment methods (see at least Item: U, pages 20-23),
- Option selection impact alert icon that indicates to the buyer that the selected option restricts or limits the selection of other configuration choices for the system and that there is a possible impact to choice of configuration (see at least Item: U, page 25),
- Extended Delivery Time Warning icon that indicates to the buyer that the selected option will extend the system's delivery time beyond Dell's standard delivery time frame; clicking the icon provides the earliest delivery date for systems with this component (see at least Item: U, page 25),
- Payment options for institutional customers (e.g. purchase order, business lease, line of credit, credit card) (see at least Item: U, page 27),
- Shipping options (e.g. next, second, or third business day delivery, lowest cost delivery) (see at least Item: U, page 28),
- Order Watch service that provides e-mail notification when order is shipped (see at least Item: U, page 28),
- Delivery Time indication from time order is placed (see at least Item: U, pages 28-29),
- Online Store contact page for corporate and institutional customers (see at least Item: U, page 30).

Dell Computer teaches all the above as noted under the 103(a) rejection and further teaches empowering the customer to “do all the work” through its Premier Pages (PTO-892 Item: U, page 2), however, do not specifically disclose selectable products by an administrator not associated with the vendor. Barnes et al. teach a solution that facilitates purchasing management of an organization to select products from online catalogs that employees may be allowed to purchase. Barnes et al. teach a system and method of electronic commerce of enabling corporate purchasers and suppliers to electronically transact over the Internet for the purchase and supply of goods and services, consistent with the level of authorization given to each user defined by a user profile (see at least abstract; col. 1, line 5 through col. 4, line 26). Barnes et al. teach a) establishing an authorization profile for each user to define spending limits, allowable viewing areas of a supplier’s catalog consistent with the needs of the user, b) providing automatic authorization of a user’s purchasing request if within the user’s level of authorization, c) denying purchase authorization if not within user’s authorization level, and d) and forwarding the denied request to the user’s supervisor terminal for approval (see at least col. 4, lines 5-26). Barnes et al. further teach purchase requisitions being routed to a second party based on automatic and pre-established criteria for approval, purchase request alteration, or cancellation (see at least col. 18, lines 51-54; col. 28, 17-22). Barnes et al. further teach a company’s purchasing management setting up suppliers that the company wants

to purchase from and specifying the goods employees can purchase from these suppliers (see at least Figs. 13 (139); Fig. 14 (139a); col. 9, lines 41-45).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Dell Computer to select products from a number of selectable products by an administrator not associated with the vendor as taught by Barnes et al. in order to empower the customer to better manage their online purchasing site.

Dell Computer teaches all the above as noted under the 103(a) rejection and teaches Internet-based web commerce but does not disclose specifics about web system resources. Barnes et al. teach system resources comprising web servers, intranets, Internet, and databases (see at least Fig. 3 (12, 16, 48); col. 3, lines 44 through col. 4, line 4; col. 7, lines 1-32). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose server and computer-readable resources as taught by Barnes et al., in order to more fully describe the web-based commerce application.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

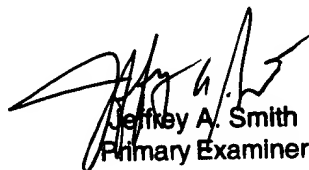
Washington D.C. 20231

or faxed to:

703-305-7687 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMP
July 22, 2003


Jeffrey A. Smith
Primary Examiner